



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2007-1519-EJE
Issue Date: May 15, 2008
Expiration Date: June 15, 2008

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: 708 Underhill Ave. Corporation
36 Farrington Road
Croton-on-Hudson, NY 10520

ACTIVITY: Discharge of fill material into wetlands for culvert crossings and storm drain installations for a residential subdivision.

WATERWAY: Underhill Brook, tributary to the New Croton Reservoir.

LOCATION: Yorktown Heights, Westchester County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

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permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, is not likely to cause the disruption of habitat for various life stages of EFH-designated species. Therefore, the New York District has made the preliminary determination that there is no effect to EFH. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

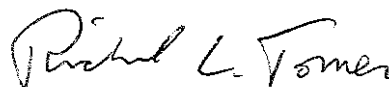
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8420 and ask for Stacey M. Jensen.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, 708 Underhill Ave. Corporation, has requested Department of the Army authorization for the discharge of fill material into wetlands for culvert crossings and storm drain installations for a residential subdivision. The project occurs in the Underhill Brook, tributary to the New Croton Reservoir, in Yorktown Heights, Westchester County, New York.

The work would involve: the construction of the Arrowhead Subdivision on an approximately 45.8-acre parcel. Approximately 500 square-feet (SF) of wetland impact would occur for the installation of two (2) precast concrete arch culverts, with approximately 4 cubic yards (CY) of wetland fill. The arch culverts proposed would have a natural bottom. Also proposed are two (2) storm drain lines to the proposed stormwater management pond, which would impact approximately 388 SF of wetlands.

The stated purpose of this project is to provide road crossings and storm drainage for a residential snbdivision.



Source: Mohegan Lake Quadrangle

Longitude: 73.7977

Latitude: 41.8589

Purpose: Wetlands Disturbance
for Proposed Residential
Subdivision

Datum: NGVD 1929

TRC Engineers, Inc.
7 Skyline Drive
Hawthorne, New York 10532
www.trcsolutions.com

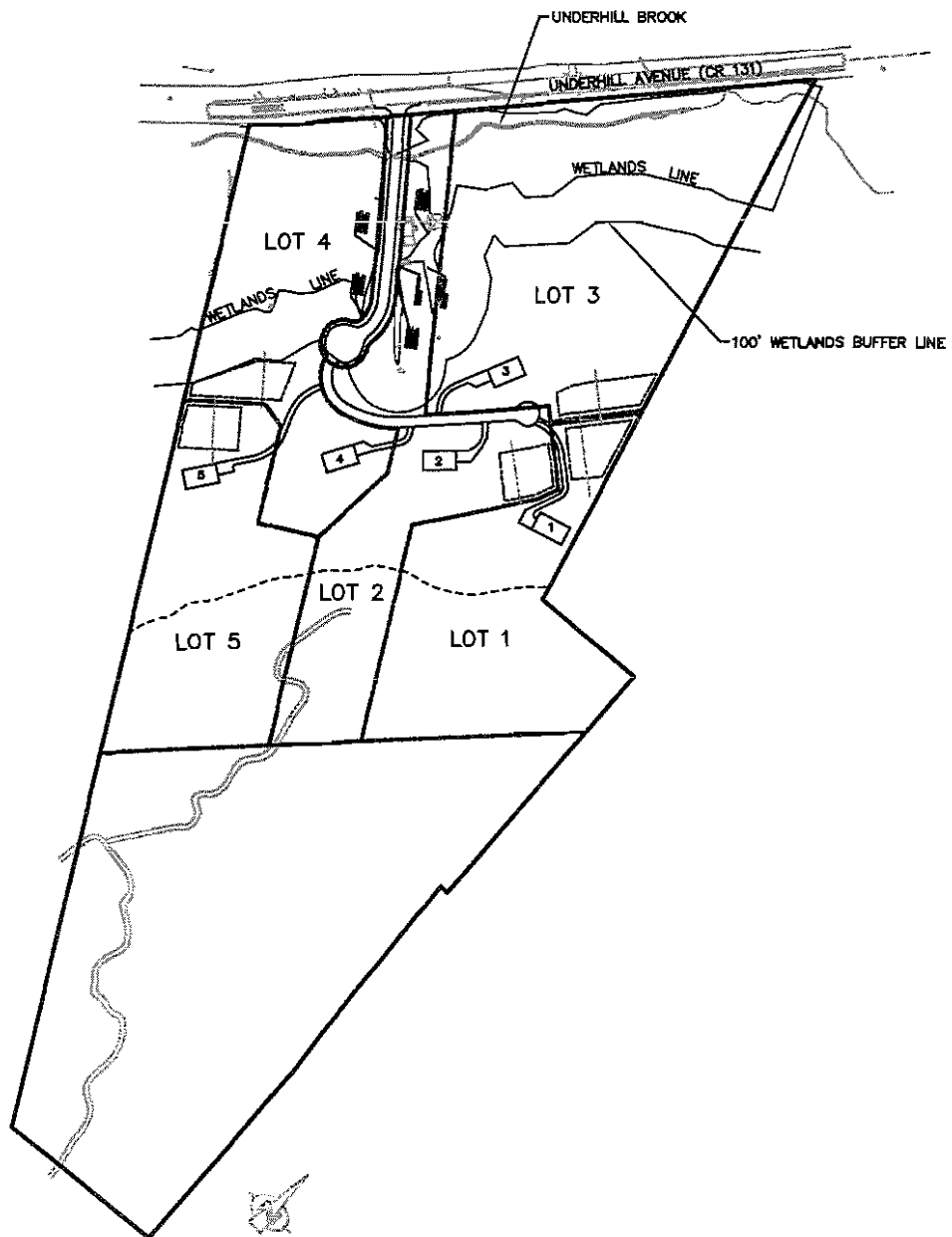
SITE LOCATION MAP

NOT TO SCALE

Proposed Arrowhead Subdivision
At: 708 Underhill Avenue
Yorktown Heights
County: Westchester, NY
Application by: 708 Underhill
Avenue Corp.

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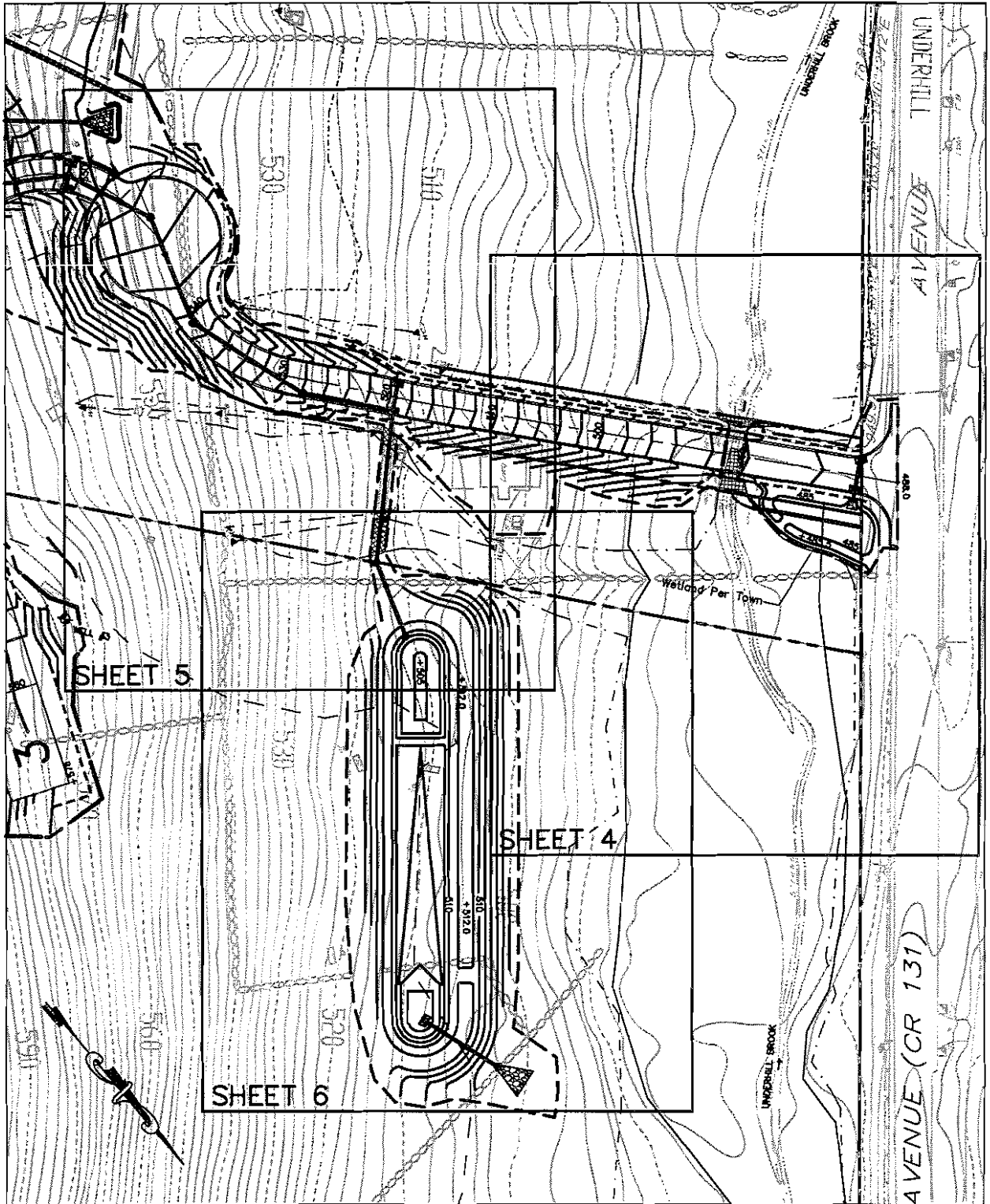
OVERALL SITE PLAN



Proposed Arrowhead Subdivision
At: 708 Underhill Avenue
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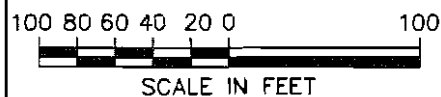


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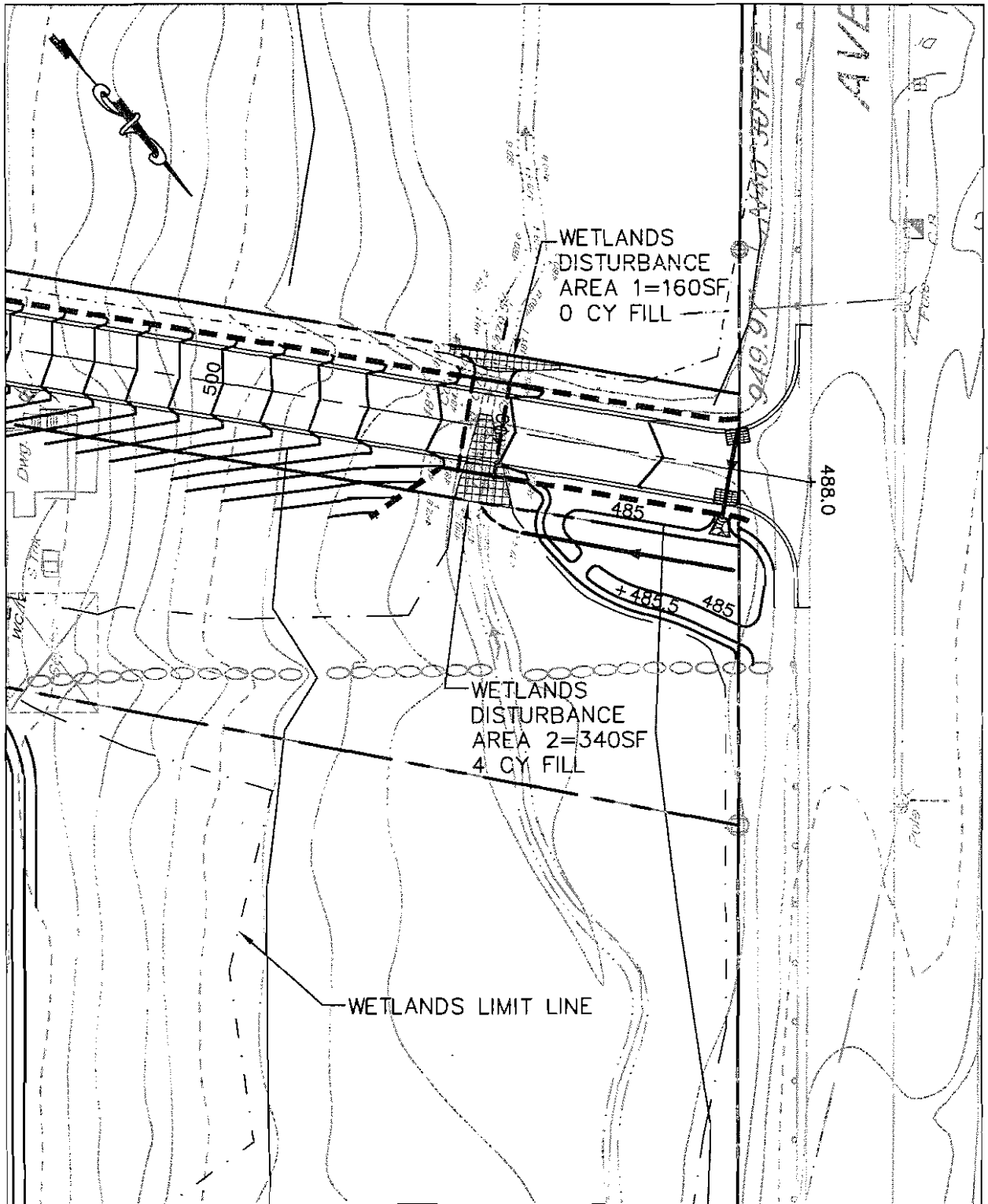
PARTIAL SITE PLAN



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At: 708 Underhill Avenue
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County: Westchester, NY
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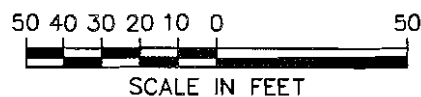


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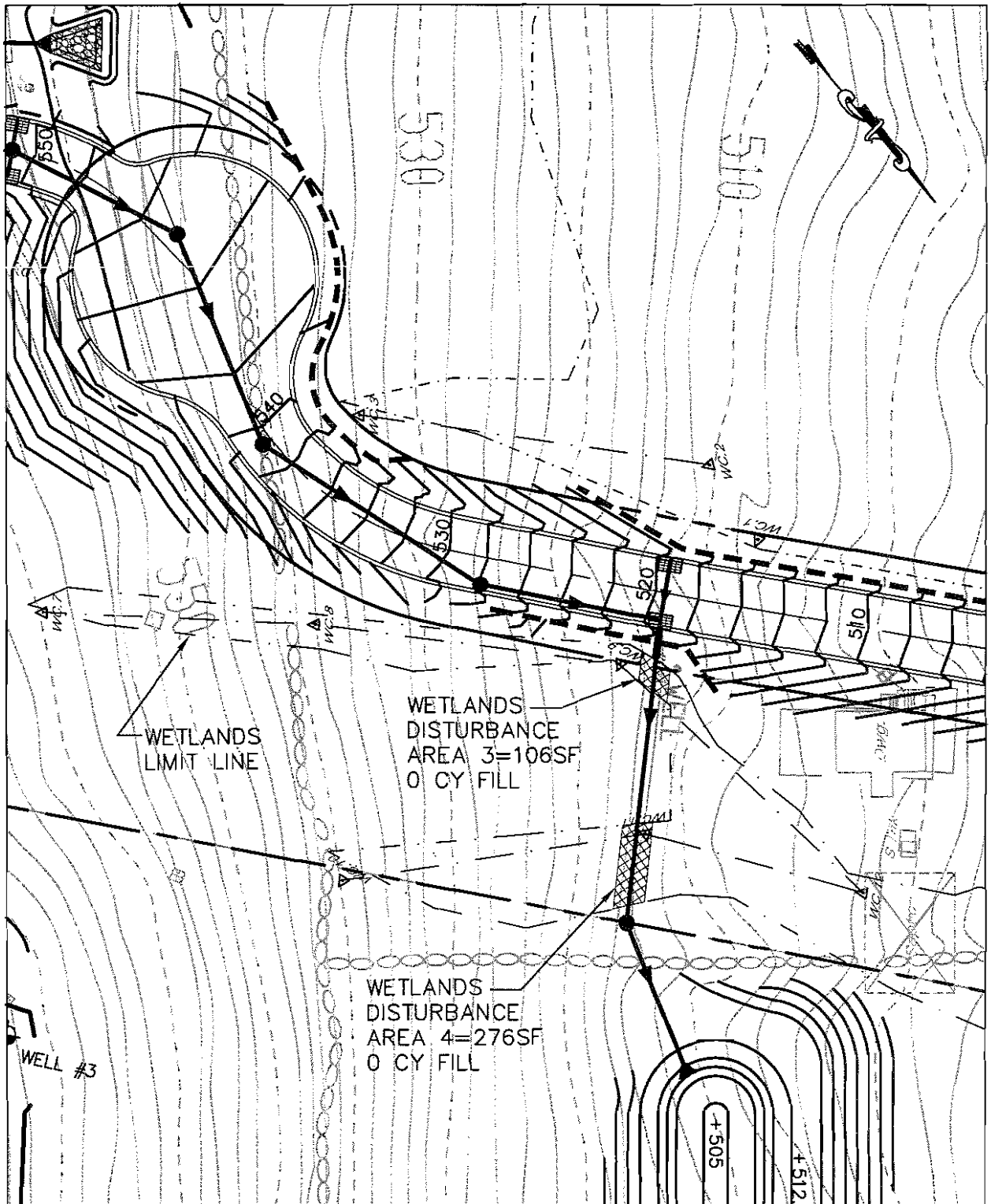
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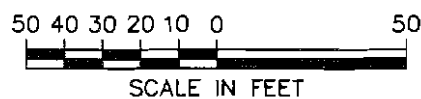


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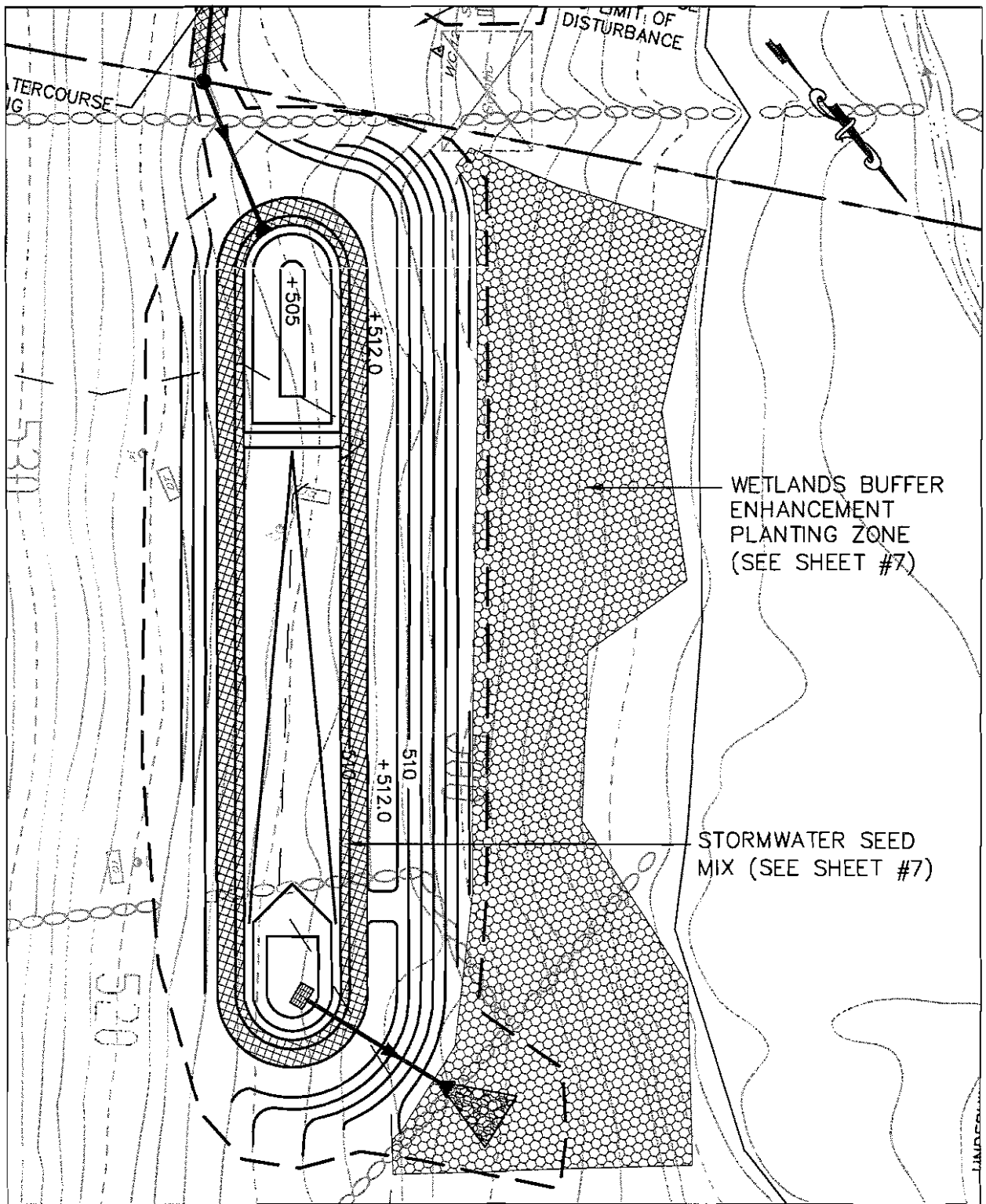
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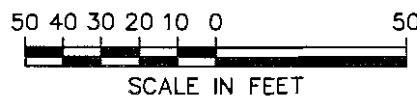


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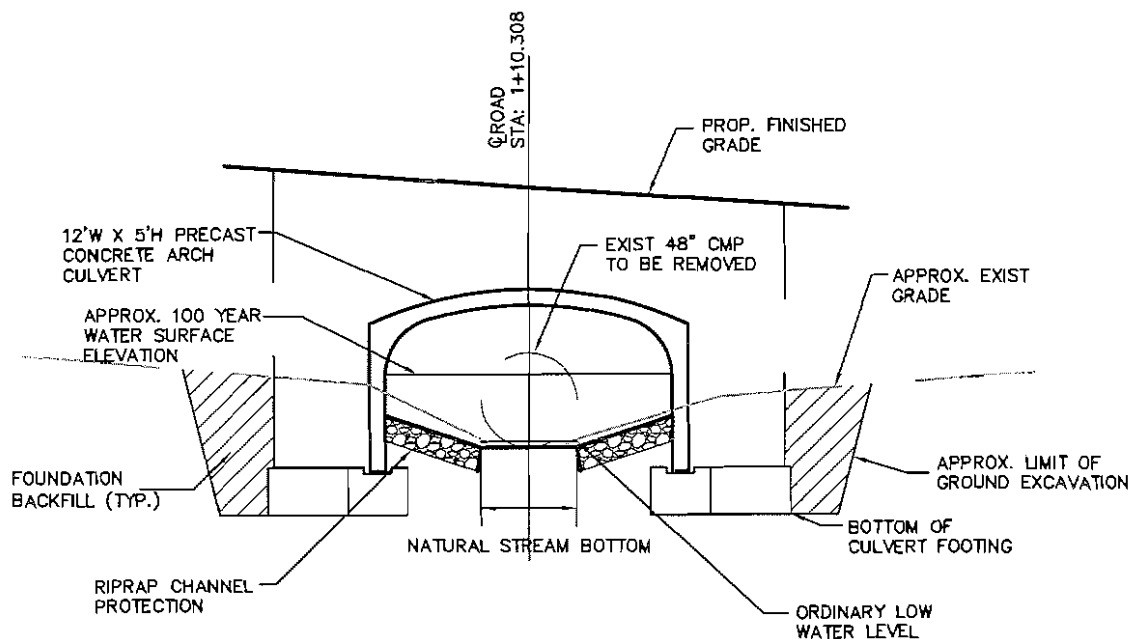
PARTIAL SITE PLAN



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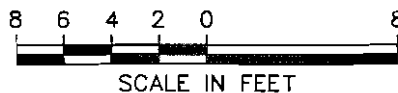


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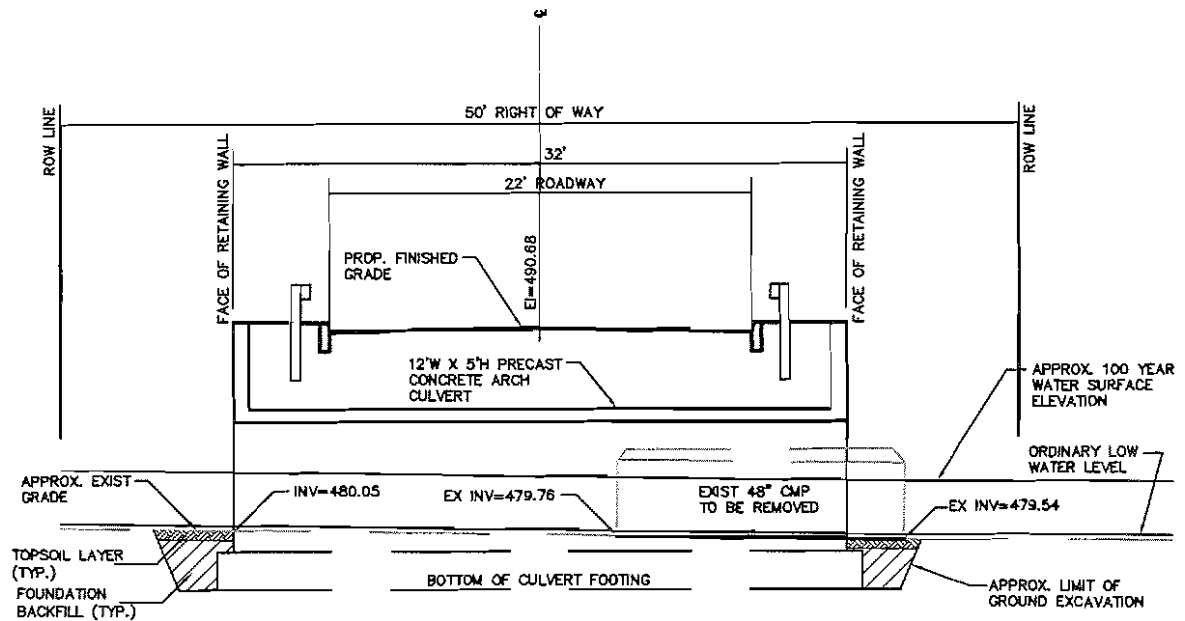
CULVERT SECTION



Proposed Arrowhead Subdivision
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 County: Westchester, NY
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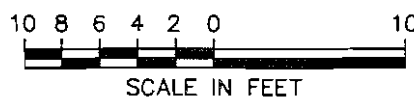


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CULVERT PROFILE



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